

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 08-04-03

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AGENDA SECTION:
PUBLIC HEARINGSORIGINATING DEPT:
PLANNING

ITEM NO.

E-14

ITEM DESCRIPTION: Vacation Petition #03-05 by Brian and Laura Newell to vacate a portion of the 40' drainage and utility easement located along the westerly lot line within Lot 27, Block 2, Emerald Hills Third Subdivision. The property is located at 2943 Rosemary Lane NE.

PREPARED BY:
Theresa Fogarty,
Planner

July 30, 2003

Planning Department Recommendation:

See attached staff report dated July 30, 2003.

Staff is recommending approval of the vacation request, as submitted, with the following comments:

1. *Prior to recording this vacating request, the applicant must grade the property and receive approval of a grading activity by City Public Works. The Owner must also receive written permission on the abutting owner's land, to the North, to perform the grading activities on the abutting lot.*

Council Action Needed:

1. Following the hearing, if the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution to approve a portion of the vacation petition as recommended by staff.

Attachments:

1. Staff Report dated July 30, 2003.

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney: Copy of legal description is attached
4. Planning Department File
5. Applicant: This item will be considered by the Council sometime after 7:00 p.m. on Monday, August 4, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
6. McGhie & Betts, Inc.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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M E M O R A N D U M

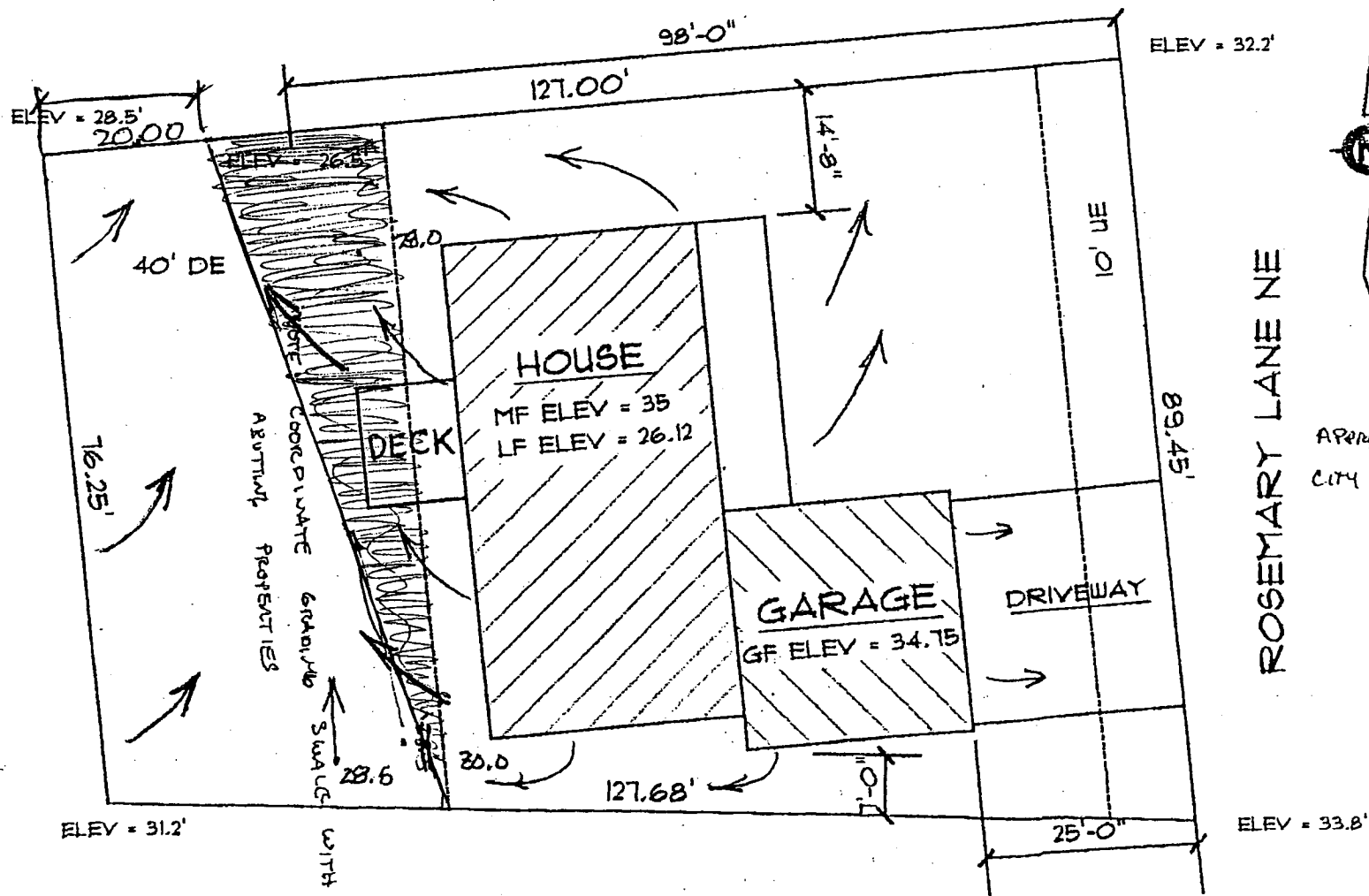
DATE: July 31, 2003
TO: Mayor and Common Council
FROM: Michael Nigbur
RE: Vacation in Emerald Hills #03-05
CC:

After discussing the proposed condition of this vacation request it was determined that some additional clarification may be needed for Council Action.

This vacation request is somewhat unique whereby the existing conditions require the drainage easement to be kept in place. However, if the applicant grades the property and relocates the drainageway, acceptable to Public Works, the easement lying outside of the drainageway would no longer be needed. The applicant intends to perform the grading work however, he did not wish to risk the cost of grading of the property if the vacation was not guaranteed for approval. He therefore has requested the vacation to be approved subject to proper grading on his property.

There is also a slight modification needed for the second sentence "**The Applicant Owner must also receive written permission on the abutting owner's land, to the North**"

LOT 27, BLOCK 2
EMERALD HILLS THIRD
OLMSTED COUNTY, MN



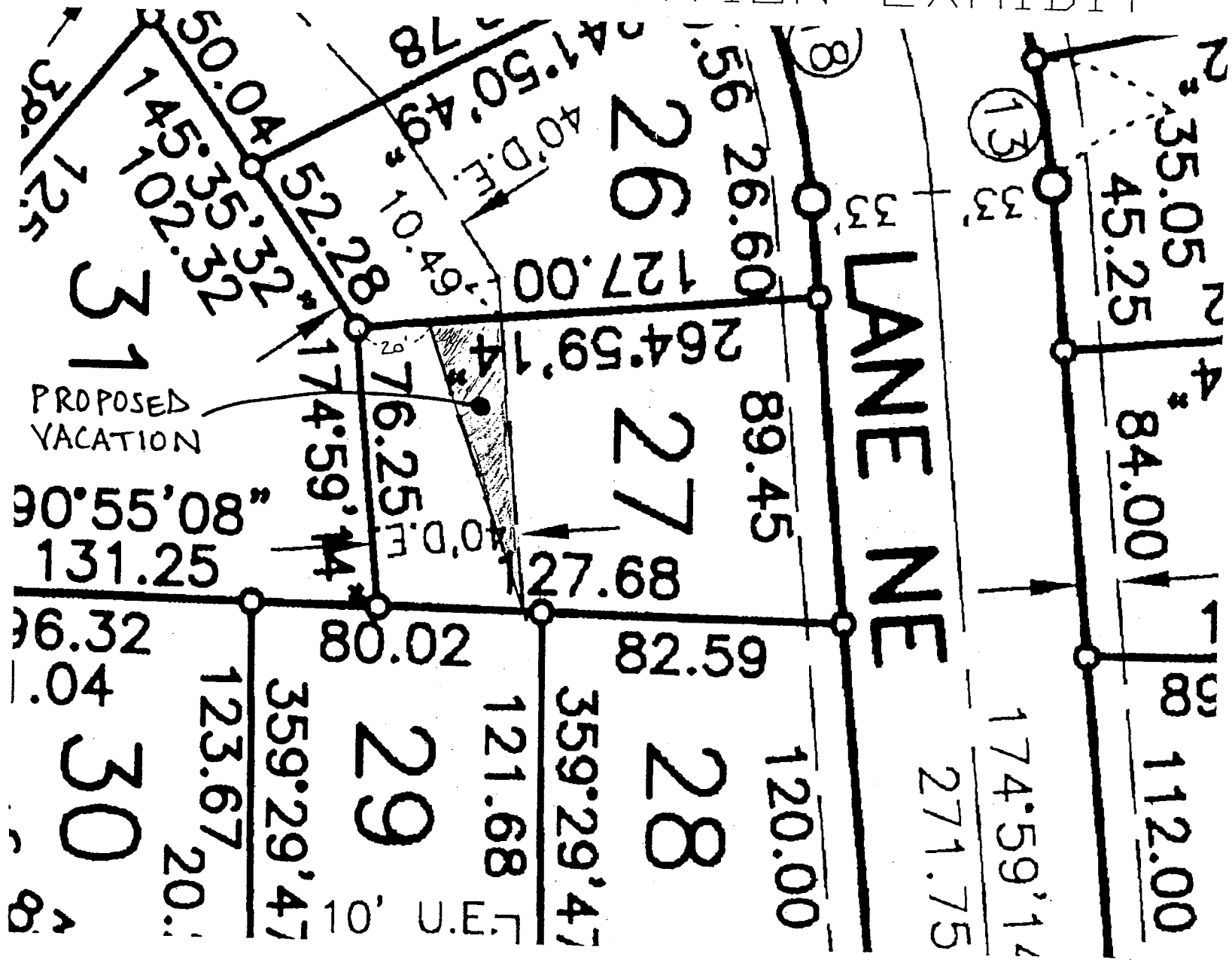
APPROVED BY M.A. EL
CITY OF ROCHESTER PUBLIC WORKS
5-27-03

DUTTON & KLEIN	1" = 20'-0"	JONES RES.	5-19-03
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EASEMENT VACATION EXHIBIT



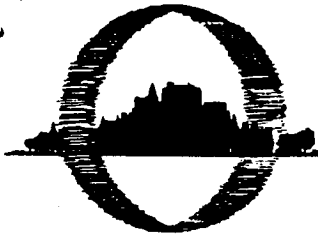
PREPARED BY:
 MCGHIE & BETTS, INC.
 CONSULTING ENGINEERS
 PLANNERS, LAND SURVEYORS
 ROCHESTER, MINNESOTA



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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: Rochester City Council

FROM: Theresa Fogarty, Planner

DATE: July 30, 2003

RE: Vacation Petition #03-05 by Brian and Laura Newell to vacate a portion of the 40' drainage and utility easement located along the westerly lot line within Lot 27, Block 2, Emerald Hills Third Subdivision. The property is located at 2943 Rosemary Lane NE.

Planning Department Review:

Petitioner(s): Brian and Laura Newell
2943 Rosemary Lane NE
Rochester, MN 55906

Engineer/Surveyor: McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester, MN 55904

Reason to Vacate: The petitioner is requesting to vacate a portion of the 40' drainage and utility easement allowing for the construction of a deck on the rear of the home that is currently under construction.

Referral Comments: 1. Rochester Public Works

Report Attachments: 1. Vacation Petition
2. Location Map
3. Referral Comments (1 letter)

Staff Recommendation:

Staff has reviewed the recommendations presented by Rochester Public Works and is recommending approval of the vacation request, as submitted with the following comments:

- 1. Prior to recording this vacating request, the applicant must grade the property and receive approval of a grading activity by City Public Works. The Owner must also receive written permission on the abutting owner's land, to the North, to perform the grading activities on the abutting lot.***



ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

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DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX - 507-281-6216

FROM: Mark E. Baker

DATE: 7/25/03

The Department of Public Works has reviewed the application requesting Vacation #03-05 by Newell to vacate a portion of a drainage & utility easement. The following are Public Works comments on the proposal:

1. Public Works has no objection to granting this request provided the applicant grades the property and receives approval of a grading activities by Public Works prior to recording of the vacation. Owner must also receive written permission on the abutting owner's land, to the North, to perform the grading activities on the abutting lot.

